



DEPARTMENT OF THE NAVY
BASE REALIGNMENT AND CLOSURE
PROGRAM MANAGEMENT OFFICE WEST
33000 NIXIE WAY, BLDG 50 Suite 207
SAN DIEGO, CA 92147

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Ser BPMOW.els/104
April 11, 2019

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
962 Wayne Avenue, Suite 610
Silver Spring, MD 20910

Dear Mr. Ruch:

This responds to your Freedom of Information Act request of October 30, 2018 in which you requested:

- Any Navy Finding of Suitability for Transfer (FOST) produced for either Marine Corps Air Station (MCAS) El Toro and / or MCAS Tustin

Your request was received by this office on April 3, 2019 and assigned Case File Number DON-NAVY-2019-000875. Our search for responsive records will encompass only those records in existence as of April 3, 2019.

During our search, we examined the files maintained by this office and identified Findings of Suitability to Transfer (FOSTs) responsive to your request. The Navy has made its final determination regarding responsive records and these records will be released to you as they become available. We have identified 18 Final FOSTs and 2 Draft FOSTs that are responsive.

Please be advised that fees associated with the processing of your request are waived in this instance.

In view of the above, you may consider this to be an adverse determination that may be appealed. Since you have created an account in FOIA ONLINE, you may submit an appeal directly within the web-based system. To do this, you would log in to your account, retrieve your original request, and then click on the "Create Appeal" tab in the left-hand column. The basic information from your request will be duplicated for you, and then you can type in the basis of your appeal. If you prefer to use regular mail, you may submit an appeal to:

The Department of the Navy
Office of the General Counsel (ATTN: FOIA APPEALS)
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal, if any, must be transmitted (if appealing by FOIA ONLINE) or postmarked (if appealing by mail) within 90 calendar days from the date of this letter. Please be advised that a

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FOIA requestor has the burden of proving timely submission of an appeal. Additionally, you must include in your appeal a statement indicating why you believe your appeal should be granted, and you are encouraged to also include a copy of your initial request and a copy of this letter.

For any further assistance and to discuss any aspect of your request, you have the right to contact the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.A.Julka@navy.mil or (703) 697-0031. Additionally, you have the right to contact the Office of Government Information Services (OGIS) to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-01, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Any questions concerning this matter should be directed to Ms. Erica Spinelli who may be contacted at erica.spinelli@navy.mil or at 619-524-5926.

Sincerely,

A handwritten signature in black ink that reads "Alan K. Lee". The signature is written in a cursive, flowing style.

ALAN K. LEE
Director
Acting